

RULES ABOUT FILING FINANCIAL STATEMENTS

Each person who is involved in a Divorce, Separate Support, Paternity, Modification, Contempt or any other case involving alimony, child support or division of property must file a Financial Statement at various times during the case. A Financial Statement must be filed shortly after a case begins, at certain times when one person requests a Financial Statement from the other person, whenever you are in court on an issue involving child support, alimony or division of property and when you are in court for a pre-trial conference or at trial(including a hearing on an uncontested case).

People who represent themselves in the Probate and Family Court (called pro se litigants) are responsible for following the same court rules as are attorneys. Uniform Probate Court Practice XXX and Supplemental Probate Court Rules 401 explain some of the rules about filing a Financial Statement.

UNIFORM PROBATE COURT PRACTICE XXX FILING OF FINANCIAL STATEMENTS

No complaint for divorce brought pursuant to G.L. c.208, Sections 1,1A or 1B, nor complaint for separate support under G.L. c.209, nor complaint for any modification thereof shall be marked for a hearing unless a financial statement of each party is on file with the court.

This requirement may be waived:

- 1) by the court, *sua sponte*;
- 2) on the motion of either party asserting non-compliance with Supplemental Rule 401 by the other party which is accompanied by a request for sanctions pursuant to Dom. Rel. P. Rule 37, or
- 3) on an affidavit asserting unavailability of the opposing party which precludes compliance with Rule 401 and this practice.

A previously filed financial statement shall be deemed acceptable for the purposes of this practice if a sworn statement is filed stating that there has been no change in the party's finances since the last statement was filed.